

Applicant submits the rejections of record are rendered moot by Applicant's introduction of new claims 17-26.

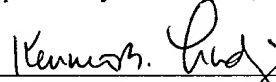
Regarding independent claims 17 and 24, Applicant respectfully submits that the prior art does not teach or suggest an isolated nucleic acid molecule comprising bases 1864-2064 or the variants as recited therein. It is respectfully noted for the Examiner's convenience that claims 17 and 24 include the 3' end of the MIP promoter.

Regarding independent claim 23, Applicant respectfully submits that the claim recitation "fragments of SEQ. ID. No:3 containing at least about 23 contiguous nucleotides of 7-2064 of SEQ. ID. No:3" has utility as a probe capable of hybridizing to a MIP promoter sequences or to homologous regulatory sequences from a chosen organism. Applicant further submits that the use of portions of promoter nucleic acid sequences as probes is well known in the art in that such probes have well known uses for amplifying corresponding promoter sequences, e.g., by means of PCR.

CONCLUSION

Claims 17-26 are believed to be in condition for allowance, and an early notice thereof is respectfully solicited. Should the Examiner determine that additional issues remain which might be resolved by a telephone conference, the Examiner is respectfully invited to contact Applicants' undersigned attorney.

Respectfully submitted,



Kenneth B. Ludwig
Registration No. 42,814
Phone: (317) 337-4944
fax: (317) 337-4847
email: kbludwig@dow.com

9330 Zionsville Road
Indianapolis, Indiana 46268